

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
April 28, 2003 7:00 PM**

PRESENT: Brian C. Warburton, Chairman, Virginia Bridle,
William Sullivan, James A. Workman, Cliff Pratt
James S. Barrington, Town Manager
Karen Anderson, Administrative Assistant

I. SALUTE TO THE FLAG

The Pledge was led by Mr. Robert Estey.

II. ANNOUNCEMENTS AND COMMUNITY CALENDAR

The Board noted that Summer Camp sign-ups began this morning and that the Recreation Department is accepting applications for summer camp counselors.

Mr. Warburton said that he was pleased to read about the gas line improvements that are taking place on Ocean Boulevard at this time and he thanked the Chamber of Commerce and Seafood Festival Committee for their efforts in bringing this to fruition.

III. APPOINTMENTS

1. Mr. Robert Estey, Assessor Re: Discretionary Preservation Easements

Mr. Estey explained that nine applications have been filed for discretionary preservation easements for barns in Hampton and he told the Board that they will need to hold a public hearing on the applications. Mr. Estey noted that the easement also includes the land under the barn being approved for the preservation easement so it will require him to do some land value calculations. Mr. Estey encouraged the Board members to drive by each of the properties to familiarize themselves with the nine properties. Mr. Estey highlighted the law pertaining to these easements and the criteria the Board can use to approve or deny the easements and the appeal procedures for the owners. The easement granted should be based on 25% to 75% of the assessment and shall be for a period of no less than ten years. Mr. Estey explained that the percentage of the easement is based on the current value of the barn and is the most benefit to owners that have already done improvements to the barns. He encouraged the Board to have a manner of consistency in determining the easement that they may or may not acquire.

Mr. Warburton explained that this is a new state law to allow owners of historic barns a tax incentive program in order to maintain the barns. Mr. Warburton said that this is not a large sum of tax revenue that would be lost and it will help protect some of the old barns in Hampton. The Board agreed that the hearings could be held prior to a regular Selectmen's meeting. Mr. Pratt asked if the easement stays with the barn and becomes part of the deed. Mr. Estey said that it did. Mr. Pratt said that he knows that a couple of people who have applied for this don't understand that, and he has concerns with someone who sells a property that has a barn with a discretionary easement understanding that the barn can't be taken down until the easement expires. Mr. Estey said that he believes that is correct, and if someone buys it they are not supposed to tear the barn down, but he has not seen any penalty provision in the law if it is taken down. Mr. Workman said that the town could probably apply for injunctive relief to prevent the barn from being taken down until the easement period expires. Mr. Workman said that he understands that any improvements made to the barn are not added to the assessment; and he asked if that is just for the term of the easement. Mr. Estey said that was correct and when the easement was due to expire the property owner could apply for a subsequent discretionary easement or have the new values added to the property at that time.

The Board determined that the public hearings for the discretionary easements will be held on Monday, May 12th at 7:00 PM. The Assessing Office will notify all of the homeowners.

2. Ms. Dyana Lassonde, Recreation Director Re: Concession Stand Leasing

Mr. Warburton explained that the Recreation Director is proposing to lease out the operation of the concession stands at Eaton Park and Tuck Field. Ms. Lassonde asked for the Board's permission to lease out both concession stands from May 1st through October 31st for \$1,000 per month plus 2% of the gross revenue. The stands will be required to be open during HYA events and can be open other hours at the lessee's option. Mr. Workman said that he thought it was a good idea and he asked what account the revenue would be going in to. Mr. Barrington said that it would go to the General Fund. Mrs. Bridle asked how many jobs it was eliminating from the Recreation Department. Ms. Lassonde said that it would be eliminating three jobs, but two of those employees will be working at the parking lots. Mrs. Bridle asked about the verification of the receipts from the concession stands to determine the revenue percentage due to the town. Mr. Workman said that the lease requires them to verify the receipts. Mr. Barrington noted that the rental amount the town will receive is greater than the net profit the town received last year, and the lease also requires them to remove all money from the concession stand at night. Mr. Pratt said that he thought it was a good idea and would suggest that cash register receipts be provided for verification and if necessary, that the town provide the two registers for that purpose. Mr. Pratt also suggested that the radius around the stands that the lessee was responsible for be increased from 10' to 25'. Mr. Workman suggested that Mrs. Duhamel put together a report that the tenant would fill out to verify the income.

Mr. Sullivan MOTIONED that the Board authorize the Town Manager to sign a lease for the concession stands with the two changes as noted.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

3. Mr. Charles Preston, Re: Beach Parking

Mr. Preston asked the Town Manager if he had contacted the State or heard back from them yet regarding the request to recognize resident parking stickers at the meters, pre and post season. Mr. Barrington said that he had not yet contacted them. Mr. Preston said that he was initially before the Board a few months ago to request that the Board work with the State on this request and noted that his appointments have been delayed and there has been little action on his request to help Hampton residents. Mr. Preston said that this will help Hampton and he would like the Board of Selectmen to request resident parking pre-season and post-season at the meters and that the hours of operation for the meters be clearly posted on the meters. Mr. Workman said that he agrees that the request should be made, although he doubts that it will be effective. Mr. Sullivan said that he is opposed to writing a letter at this time, he feels that the Town has a good working relationship with the State and he knows that DRED is currently winterizing the rest rooms at the end of High Street, which will benefit the Hampton residents more so than the tourists. Mr. Sullivan said that he does not want to destroy the relationship the Town has with DRED and their current management. Mrs. Bridle said that she does not have a problem writing a letter and noted that the relationship should be two way – DRED needs to be told when the Town is happy and when it is not. Mrs. Bridle said that Mr. Preston deserves to know if the Board is going to direct that a letter be sent to DRED or not. Mr. Pratt said that this is a tough one, the Board did say that they would write the letter and he will encourage that to be done but he feels that should be the end of the matter, regardless of the results.

Mr. Warburton said that the State is in tough financial shape and DRED is self-supporting from revenue that comes from such things as the meters. Mr. Warburton also noted that the Town will be heavily involved with the State agencies during the upcoming infrastructure work that will be done at the beach and the meters are not a town issue. Mr. Warburton said that Governor Benson is doing everything he can to get the State revenue back on track and this is not the time to ask them to make further concessions on the meters. Mr. Warburton said that if there is strong interest the town may even consider putting meters on the side streets. Mr. Warburton said that this Board and prior Boards have helped residents by providing areas for resident parking but he does not want the message to be that the town wants to help just the residents of Hampton, and has no concern for the visitors that come during the summer. Mr. Warburton said that he would not vote to have a letter sent, but since that is not the feeling of the majority of the Board he requested that Mr. Barrington write a tactful letter to Commissioner Bald with copies sent to the State delegation. Mrs. Bridle requested that the letter be from the Board rather than from the Town Manager.

Mr. Preston acknowledged that things are improving with DRED, but reminded the Board that two years ago the meters went from \$1 hour to \$1.50 an hour with no change machines available. He noted that now there are now five change machines and they have been a big help to the merchants at the beach.

IV. OLD BUSINESS

Town Manager's Report

Merton Group

Mr. Barrington told the Board that he has spoken with Mr. Archie Typadis, of the Merton Group and has scheduled them for an appointment with the Board on May 5 to discuss the municipally owned fiber optics business that had been described for the Board a couple of weeks ago.

Thulander v. Town of Hampton

The ruling on the *Thulander et al v. Town of Hampton* suit involving a ZBA ruling arrived this week. The court remanded the matter to the ZBA with instructions. A copy has been provided for the Board's review.

Police Facility

Mr. Barrington reported that the Town is currently advertising requests for qualifications to screen potential bidders for the construction of the police facility. Direct solicitations have been sent to about six firms and to Construction Summaries and Dodge Reports clearinghouses. The deadline for submission of qualifications is May 2 and it is expected that the proposals will be reviewed the following week and go to bid in mid to late May.

Beach Infrastructure Improvements

Representative Sheila Francoeur notified the Town Manager that she and the town's delegation have arranged a meeting with the Commissioners' of DRED, DOT, and DES in regard to coordination of our \$12-million beach infrastructure article. This meeting will be in Concord, Room 308 of the Statehouse, at 3:30 on Wednesday, May 7. Due to the size of the room, the size of the group needs to be limited, but she did suggest that having a representative of the Board of Selectmen would be recommended. Public Works Director John Hangen and the Town Manager plan to attend.

Exeter Road Railroad Bridge

Mr. Barrington told the Board that he had previously mentioned that the Town had received a revised release of deed from Guilford Railroad. Attorney Mark Gearreald has reviewed it and offered written comments that have been copied for the Board. Attorney Gearreald is not yet recommending that it is ready for the Board's acceptance.

Mr. Bob Barry, with DOT called the Town Manager regarding the weight limit of that bridge. Mr. Barrington said that some DOT people had been observing vehicles of much heavier weight than allowed passing over the bridge and he has strongly urged our support in prohibiting vehicles that exceed the posted weight limit (11 tons) from driving over the bridge.

Wastewater Treatment Plant – Phase II

Mr. Barrington told the Board that a copy of a letter from David Stiles of Wright-Pierce to Charwell Construction has been given to the Board. He explained that it is becoming readily apparent that Charwell Construction will not be meeting the May 2nd deadline for substantial completion and they have been put on notice that the town will be exercising the liquidated damages clause.

Fire Equipment Donation

Mr. Barrington told the Board that the Precinct had authorized the donation of a retired fire engine to the Rotary Club, of which he is a member, for the transportation of that equipment to the Dominican Republic. Due to some political problems that have been occurring in that country, the fire truck had not been transported and at this time the move is to donate the truck and some associated equipment to Kosovo.

Deputy Chief Benotti has put together a list of items that are no longer of service to the Hampton Fire Department and has requested permission to have them declared surplus property and be donated to Kosovo.

Building Leak

Mr. Barrington informed the Board that now that the spring water table is high, he has been working on resolving the leak in the building. The waterproofing company is scheduled to come in on Wednesday to make the repairs that were paid for by settlement of the suit with the contractor.

Hickory Lane

The owner of the private street, Hickory Lane, has been informed that due to the current condition of the dirt road, town vehicles will not provide service. The owner has indicated that he will be improving that street and has asked for suggestions on how it can be better maintained. Mr. Barrington said that in his opinion the road should be paved.

District Court Lease

Mr. Barrington told the Board that he has received a request from Peter Goodwin, Facilities Manager for the State court system to extend the lease for the Hampton District Court. Mr. Barrington said that a proposed lease renewal had been sent with terms that he did not find acceptable and he responded to Mr. Goodwin with a request for a 10% rent increase or that the State take over the cost of the janitorial services. Mr. Goodwin indicated that he would not be able to get that approved, but said that he may be able to get approval for a 4% increase with any renewal by mutual approval. Mr. Barrington said that he would recommend if the State does not have a courthouse under construction at the time of the renewal, that the increase be 10%. Mr. Barrington told the Board that he confirmed to Mr. Goodwin that Hampton wants the court to stay in Hampton. Attorney Gearreald has indicated that the Town of Seabrook is actively trying to get the court located in Seabrook. Mr. Sullivan suggested that the town offer the State the property at 136 Winnacunnet Road. Mr. Barrington said that he has been reluctant to do that and has offered to lease that land to them, which the State is not interested in doing. Mr. Sullivan said that he would find it hard to believe that they would move the court to the far end of the district, in Seabrook. Mr. Pratt said that he has discussed this with Attorney Reams, who is willing to come to the Board to share some insight he has. Mr. Pratt said that there are a lot of alternatives that the town may be able to consider. Mr. Warburton said that the only thing he understands is included in the proposed two-year budget for the State is the site planning for a new facility, so it would be at least 4 years before there is a new court house.

Mr. Barrington suggested that the Board meet in a non-public session to discuss potential real estate that could be considered. Mr. Pratt will check with Attorney Reams about when he would be available to meet with the Board.

Mr. Sullivan MOTIONED that the Board of Selectmen authorize the Town Manager to sign the two-year lease with the State for the District Court.

Mr. Pratt SECONDED

Mr. Workman said that the town has been really good to the Bureau of Court Facilities but he is disappointed with the way they have treated the town. Mr. Barrington agreed and he has spoken with the delegation about his concerns and asked that they share his concerns with Speaker Chandler.

Mrs. Bridle said that the town lets the State stay in the courthouse for a 4% increase because we don't want to upset the State, but the State is not afraid of upsetting us. Mr. Sullivan said that he would just prefer seeing the Hampton cruisers parked in Hampton instead of having to go out of town.

VOTE: 4 FOR

1 OPPOSED(Bridle)

Change Out Street Lights in Hampton Center

Mr. Warburton said that the Board received the information from Unitil to change the lights in the town center. Mr. Sullivan explained that this will brighten up the center of town and save some money in electricity costs.

Mr. Sullivan MOTIONED that the Board authorize the Town Manager to sign the agreement with Unitil to change the lighting in Hampton center.

Mr. Workman SECONDED

VOTE: UNANIMOUS FOR

Beach Infrastructure

Mrs. Bridle asked if the \$12 million that has been approved by the voters is enough to do the work that is proposed at this time or if the town is depending on the State for financial assistance. Mr. Barrington said that they are not looking for financial support for the town's projects but they are hoping for support with some traffic relocation and additional improvements on the State property. Mrs. Bridle said that her concern is that she does not want to hear after the project has started that there is not enough money to finish. Mr. Barrington said that the Precinct Commissioners are extremely interested in pursuing underground utilities, and they are willing to help fund some of that work if necessary, which is something that has not been planned. The Board expressed their concerns for the expense associated with that.

September 11th Memorial

Mr. Sullivan said that he talked with the donators of the September 11th memorial and they would like to have the dedication on Memorial Day. A public hearing to accept that donation is needed.

Mr. Sullivan MOTIONED that the Board of Selectmen hold a public hearing to accept the donation of the bronze plaque for the Memorial to the victims of September 11, 2001.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Mr. Sullivan MOTIONED that the Board declare the fire department equipment as outlined in the April 28, 2003 memo from Deputy Benotti as surplus and that it be donated to Kosovo.

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

V. NEW BUSINESS

State Homeland Security Grant Program

Mr. Warburton read a letter from the State regarding a new homeland security grant program that the town is eligible for.

Mr. Sullivan MOTIONED to authorize Mr. Barrington to work with the State on this grant program.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Condolences

Mr. Warburton noted the recent passing of Mr. Norman LeFavre and expressed condolences to his family. Mr. Warburton pointed out that Mr. LeFavre worked very hard with Mr. Richard Reniere on the coordination of the recent reconstruction work on Highland Avenue.

Summer Meeting Schedule

Mr. Warburton told the Board that the School Board will be discussing the use of the Selectmen's Meeting Room during the summer, and he has suggested that the School Board meet here on July 21st and August 18th. The Board reviewed the proposed summer schedule for the Board.

Mr. Workman MOTIONED that the Board of Selectmen meet every other week as outlined in the schedule for the summer.

Mr. Pratt SECONDED

VOTE: 4 FOR

1 OPPOSED (Bridle)

Mr. Warburton requested that the School Board be informed that they are welcome to the use the Selectmen's Meeting Room on July 21 and August 18th. Mr. Sullivan confirmed that if something comes up the board has the option of meeting on the off nights.

VI. MINUTES

The minutes of April 14, 2003 were accepted with the correction of the date on the front page.

VII. CONSENT AGENDA

1. Cemetery Deeds
2. Parade Permits – N.H. Towing Association
American Sports Events

Mr. Workman MOTIONED that the consent agenda items be approved.

Mrs. Bridle SECONDED

VOTE: UNANIMOUS FOR

Mr. Sullivan said that there have been a couple of rough meetings in the past month, but other than those, he wanted to say that it has been great to work on a Board with such a positive manner. Mr. Warburton agreed and said that he is proud of how the Board is working together. Mr. Warburton said that this Board has achieved a lot over the past few years and he believes this will be another great year.

VI. ADJOURNMENT

Mr. Sullivan MOTIONED that the meeting be adjourned. (9:00 PM)

Mr. Pratt SECONDED

VOTE: UNANIMOUS FOR

Chairman